IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23069 of 2004

Between:

Bathula Eswaramma, W/o. Tirupataiah,
Varadhapuram Village, Mattampalli Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
2 The Mandal Revenue Officer, Mattampalli, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in initiating proceedings under the provisions of the A.P. State Public Distribution System Control Order, 2001 and in initiating proceedings No.E2/1842/2004, dated 28-6-2004 and 2-7-2004 as illegal and arbitrary and consequently set-aside the same and direct the respondents to permit the petitioner to function as Fair Price Shop Dealer of Varadapuram Village, Mattamapalli Mandal, Nalgonda District, and pass such other order or orders.

Counsel for the Petitioner:MR.P.ROY REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following Order:

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 23069 of 2004

ORDER:

The petitioner is a dealer of fair price shop of Mattampallli Mandal, Nalgonda district. Her authorization was suspended through proceedings dated 28.06.2004 on the ground that she committed irregularity in distributing the rice meant for 'Food for Work Scheme'. Thereafter, she was issued a show cause notice dated 02.07.2004. The petitioner claims to have submitted her explanation.

It is contended that the distribution of rice meant for 'Food for Work' is not at all the duty of any fair price shop dealer and that the A.P. State Public Distribution System Control Order, 2001, has no application for such activities. Learned counsel for the petitioner further submits that the very initiation of the proceedings is without any legal authority. He contends that even on merits the allegations against the petitioner are that coupons for certain quantity of rice were found to be of another village and the petitioner cannot be held responsible for the same, because of the reason that they were issued by the competent authority and not by the petitioner.

Learned Government Pleader for Civil Supplies, on the other hand, submits that once the petitioner was entrusted with the distribution of rice, may be for 'Food for Work Programme', she was under obligation to ensure that the supplies are made properly.

A perusal of the definition of Public Distribution System under sub-clause (20) of Clause 2 of the Control Order discloses that it covers only the activity of distribution of essential commodities to ration cardholders through fair price shops. There is no dispute that the rice meant for 'Food for Work' is not meant to be distributed to cardholders. It was obviously for the sake of convenience that the petitioner was required to undertake the distribution of rice meant for 'Food for Work'. The rice under that scheme is issued by the dealers to the

holders of the coupons, which in turn, are issued by the concerned Engineer or Panchayat Raj Staff. A dealer has absolutely no role to play in the matter of issuance of coupons.

The only allegation against the petitioner is that the coupons against which about 100 quintals of rice was found to be of a different village. It was not even alleged that the petitioner had tampered with the coupons or that they were not issued by the competent authority. There are no allegations against the petitioner that she has committed any irregularities in the distribution of essential commodities meant for distribution to the cardholders.

For the foregoing reasons, this Court is of the view that there was no warrant for suspension of the authorization of the petitioner. Hence, the writ petition is allowed setting aside the order of suspension passed against the petitioner. It is, however, left open to the first respondent to pass appropriate final orders, after taking into account the explanation submitted by the petitioner as well as the provisions of the Control Order.

13.12.2004

usd/ts

To

1 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
2 The Mandal Revenue Officer, Mattampalli, Nalgonda District.

3 Two CCs to G.P. for Civil Supplies, A.P. High Court Buildings,

Hyderabad (OUT)

4 Two CD copies.